NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

FUJIAN HONGAN ELECTRIC CO., LTD. AND ZHEJIANG TRIMONE ELECTRIC SCIENCE & TECHNOLOGY CO., LTD.,

Appellants,

 $\mathbf{v}.$ 

INTERNATIONAL TRADE COMMISSION,
Appellee,

AND

LEVITON MANUFACTURING CO., INC., Intervenor.

2012-1493

On appeal from the United States International Trade Commission in Investigation No. 337-TA-739.

ON MOTION

Before BRYSON, MOORE, and O'MALLEY, Circuit Judges. O'MALLEY, Circuit Judge.

ORDER

Case: 12-1493

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FUJIAN HONGAN ELECTRIC CO. V. ITC

Fujian Hongan Electric Co., Ltd. and Zhejiang Trimone Electric Science & Technology Co., Ltd. (collectively, Fujian) move for a stay, pending disposition of this appeal, of the remedial orders entered by the United States International Trade Commission. The International Trade Commission and Leviton Manufacturing oppose. Fujian replies.

To obtain a stay, pending appeal, a movant must establish a strong likelihood of success on the merits or, failing that, nonetheless demonstrate a substantial case on the merits provided that the harm factors militate in its favor. Hilton v. Braunskill, 481 U.S. 770, 778 (1987). In deciding whether to grant a stay, pending appeal, this court "assesses the movant's chances of success on the merits and weighs the equities as they affect the parties and the public." E. I. du Pont de Nemours & Co. v. Phillips Petroleum Co., 835 F.2d 277, 278 (Fed. Cir. 1987). See also Standard Havens Prods. v. Gencor Indus., 897 F.2d 511 (Fed. Cir. 1990).

Based on the arguments in the motions papers, and without prejudicing the ultimate disposition of this case by a merits panel, we determine that Fujian has not met its burden to obtain a stay of the injunction.

Accordingly,

IT IS ORDERED THAT:

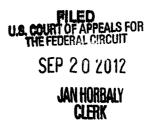
The motion is denied.

FOR THE COURT

SEP 2 0 2012

Date

/s/ Jan Horbaly Jan Horbaly Clerk



FUJIAN HONGAN ELECTRIC CO. V. ITC

cc: Lei Mei, Esq. Clark S. Cheney, Esq. Larry L. Shatzer, III, Esq.

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